

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Henry Martin Kyle, Stephen S. Penrod	Art Unit :	2628
Serial No. :	10/763,476	Examiner :	Jwalant B. Amin
Filed :	January 23, 2004	Conf. No. :	7003
Title :	DYNAMIC MAPPING TOOL		

**Mail Stop Appeal Brief - Patents**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Applicant responds to the Examiner's Answer as follows

**Examiner's Answer at p. 4, line 20 to p. 5, line 1**

The Examiner asserts that ChooseClimate “teaches to dynamically display a great circle path and calculate the great circle distance between two selected locations” (emphasis added). The applicant points out that the only thing dynamically displayed by ChooseClimate is the latitude and longitude of the cursor position as the user moves the cursor over the displayed map, i.e., as the cursor moves the latitude and longitude values change. No great circle path is displayed until the user selects both a first location and then a second location. Similarly, the great circle distance is not displayed until the second location has been selected. The Examiner acknowledges this at p. 11, lines 4-7, wherein he states that “it should be noted that ChooseClimate dynamically calculates the position of the cursor as the cursor is being moved, and when the user clicks at the second location, it consider that location as the final location and calculates the great circle distance and dynamically displays the great circle path upon the second click.” The applicant respectfully submits the Examiner is misusing the term “dynamically” in this respect to describe the display of the great circle path.

In any event, claim 1 requires “dynamically displaying a great circle path extending from the initial location toward each of the plurality of intermediate locations and terminating at the final location”. As conceded by the Examiner, ChooseClimate only displays a great circle path extending from the initial location to the final location, and only does so once the final location is selected; there is no display of the path being dynamically displaying extending from the initial location to each of a plurality of intermediate locations as the cursor is dragged between the two

locations. Accordingly, there is nothing “dynamic” about this display in terms of the great circle path, and the fourth limitation of claim 1 is not disclosed by the references.

**Examiner's Answer at p. 6, lines 20-21**

With respect to claims 4 and 23, the Examiner concedes that Nicholson does not teach to dynamically update the great circle distance, but asserts that ChooseClimate teaches to dynamically display a great circle path and update the great circle distance between any two selected locations. Claims 4 and 23 require that a great circle distance corresponding to the great circle path is displayed and is dynamically updated based on the additional user input while receiving the additional user input. The base claims require that receiving the additional user input comprises receiving input corresponding to a user dragging the cursor on the two-dimensional representation from the first cursor position to a position over the final location. Accordingly, claims 4 and 23 require that while the cursor is being dragged, the great circle path is dynamically updated and displayed.

Contrary to the Examiner's assertion, ChooseClimate does not disclose this feature. By contrast, ChooseClimate permits a user to point-and-click to a first location and then a second location, following which a great circle path between the first and second locations is displayed along with the great circle distance. If a third location is then selected by the user, then a great circle path from the second to the third location is displayed and the great circle distance displayed. However, the display is not dynamic, i.e., as the cursor is being dragged, but rather is shown after the location selections are made by a point-and-click action of the user.

Accordingly, the limitations of claims 4 and 23 are not disclosed by the cited references either alone or in combination.

For these reasons, and the reasons stated in the Appeal Brief, Applicant submits that the final rejection should be reversed.

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Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: August 25, 2008 \_\_\_\_\_

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